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CICHANOWICZ, CALLAN, KEANE,  
VENGROW & TEXTOR, LLP

Attorneys for Defendants CP Ships, Hapag-Lloyd (America) Inc. and Hapag-Lloyd AG  
61 Broadway, Suite 3000  
New York, New York 10006-2802  
(212) 344-7042

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

AMADI NWOKOCHA  
9824 Matzon Road  
Baltimore, MD 21220

Plaintiff,

V.

KALICO EXPORTS, INC.  
7107 Commercial Avenue  
Baltimore, MD 21237

CP SHIPS  
399 Hoes Lane  
Piscataway, NJ 08854

HAPAG-LLOYD (AMERICA) INC.  
399 Hoes Lane  
Piscataway, NJ 08854

HAPAG-LLOYD AG  
Ballindamm 25  
20095 Hamburg

Defendants.

Civil Action 07 CV 8597

**DECLARATION OF  
SUSANNE RECHENBACH  
IN SUPPORT OF THE DISMISSAL  
MOTION OF DEFENDANTS CP SHIPS,  
HAPAG-LLOYD (AMERICA) INC.  
AND HAPAG-LLOYD AG**

Susanne Rechenbach declares the following:

1. At the time of this claim, I was a Claims Manager for Hapag-Lloyd (America) Inc.

2. Hapag-Lloyd (America) Inc. acts as an agent for Hapag-Lloyd AG (hereinafter referred to as "Hapag-Lloyd").

3. I drafted the Claim Acknowledgement which is also designated as Exhibit P6 in the Original Complaint.

4. Attached is a true and accurate copy of that Claim Acknowledgement dated September 1, 2006 marked as Exhibit A.

5. The acknowledgement was drafted to the plaintiff's attorney Obinna Duruji, Esq. without prejudice of all of the rights and defenses that Hapag-Lloyd could claim. I advised the plaintiff's attorney that Hapag-Lloyd was presently investigating the carrier's liability and that we shall revert promptly upon conclusion of these investigations.

6. In order to investigate matter, I requested certain documentation from the plaintiff's counsel as indicated on the acknowledgment. At no time either orally or in writing did I grant any extension of time for plaintiff to file a Complaint.

7. I neither orally nor in writing made representation to plaintiff's counsel that the carrier would compensate the plaintiff for the cargo alleged damage or delay.

8. I neither orally nor in writing ever represented to plaintiff's counsel that he should not file a Complaint.

9. I neither orally nor in writing ever advise plaintiff's counsel that Hapag-Lloyd or Hapag-Lloyd AG would not contest the timeliness of any Complaint filed by plaintiff.

10. I never entered into any type of settlement negotiations or spoke of any money that Hapag-Lloyd would pay on the claim.

11. I neither orally nor in writing agreed to extend the time for plaintiff to file a lawsuit.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: New York, New York  
January 17, 2008

A handwritten signature in cursive script, appearing to read 'S. Rechenbach', written in dark ink.

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Susanne Rechenbach

# **EXHIBIT A**

# Claim Acknowledgement



To: Obinna Duruji, Esq.  
Telefax: 202-723-4006 5796  
  
From: Susanne.Rechenbach  
Phone: (732) 885-6145  
Telefax: (732) 885-6141  
Email: Susanne.Rechenbach@hlcl.com

Hapag-Lloyd (America) Inc.  
399 Hoes Lane  
Piscataway, NJ 08854  
www.hlcl.com

September 1, 2006  
Pages: 1

OUR FILE: 62975 / SR

YOUR FILE:

Vessel:	Atlantic Project	Voyage:	006s
Bill of Lading:	ATLRL016630	Container:	CMUU4614892
Type of Damage:	Theft	Claim Amount:	Please Advise

WITHOUT PREJUDICE

Dear Sirs,

We acknowledge receipt of the above claim and would like to inform you that this matter is presently being investigated as to the carrier's liability. We shall revert promptly upon conclusion of these investigations.

In order for us to deal with this matter we would be pleased if you could provide us with further documents/ information as follows

- ☒ Original Bill(s) of Lading
- ☐ First Notice of Intent to Claim
- ☒ Survey Report
- ☒ Photos
- ☒ Commercial Invoice
- ☒ Detailed Claim Statement
- ☒ Packing List
- ☒ Delivery Receipt
- ☐ Container Destuffing Tally Sheet
- ☒ Proof of Salvage Value / Independent Destruction Certificate
- ☒ Assignment of Rights
- ☐ Temperature records

Yours faithfully,  
Hapag-Lloyd (America) Inc.  
As Agents of Hapag-Lloyd AG

Susanne Rechenbach  
Claims Manager